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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,793	03/08/2002	Peter A. Hawkins	2207/13697	3414

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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,793

Applicant(s)

HAWKINS, PETER A.

Examiner

Bharat N. Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-6, 11-16, 18-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 11-16, 18-20, and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received. *

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Claims 1, 4-6, 11-16, 18-20, and 22-26 remain for further examination.

The old rejection maintained

2. Applicant's arguments with respect to claims 1, 4-6, 11-16, 18-20, and 22-26, and amendment to the claims 1 and 16 filed on June 10, 2005 have been fully considered but they are not deemed to be persuasive for the claims 1, 4-6, 11-16, 18-20, and 22-26. The rejection is respectfully maintained as set forth in the last Office Action mailed on March 10, 2005.

Drawings

3. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1, 4-6, 11-16, 18-20, and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickson et al (U.S. Patent No. 5,644,700).

Dickson's patent meets all the limitations for claims 1, 4-6, 11-16, 18-20, and 22-26 recited in the claimed invention.

6. As to claims 1 and 4, Dickson et al disclose a system comprising: a first system management controller (SBMC 18) to negotiate with other system management controllers (SBS 17, SBS SA 21, SBMC 19) to determine the first system management controller's initial operational mode (see abstract; figure 1; column 1 lines 42-58; and column 2 line 64 to column 3 line 6), wherein the first system management controller includes an input/output port (figure 1 Ref. No. 20) to send messages that comply with the Intelligent Platform Management Interface specification; and further comprises a second input/output port (figure 1 Ref. No. 23) to send a duplicate copy of system management messages to the other system management controllers (figure 1; and column 2 lines 18-42).

7. As to claim 5, Dickson et al disclose that available operational modes for the first system management controller include active baseboard management controller mode, standby baseboard management controller mode, and satellite management controller mode (column 5 line 63 to column 6 line 26).

8. As to claim 6, Dickson et al disclose that the negotiation with other system management controllers is based at least in part on one of controller mode capability,

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user configured preference, module type, and geographical address (column 2 line 64 to column 4 line 13; column 5 lines 50-62; and column 7 lines 17-30).

9. As to claims 11-15, they are also rejected for the same reasons set forth to rejecting claims 1 and 5-6 above. Additionally, Dickson et al teach that the controllers transitioning from a reset state to a request state (figures 2 and 4; column 4 line 49 to column 5 line 20; and column 5 line 46 to column 6 line 26); Dickson et al teach that determine the relative priority (status) of the first system management controller and second system management controller based on at least one of controller mode capability, user configured preference, module type, and geographical addresses (column 2 line 43 to column 4 line 13; and column 5 line 46 to column 6 line 26); and Dickson et al also disclose that the response to the second system management controller is also based at least in part on the controller mode capability of the first system management controller and a user-configured mode preference (column 5 lines 50-62; and column 7 lines 17-30).

10. As to claims 16, 18-20, and 22-23, they are also rejected for the same reasons set forth to rejecting claims 1, 4-6, and 11-15 above. Additionally, Dickson et al teach that the response by the first management controller is based at least in part upon a negotiation protocol state of the first system management controller (column 3 lines 7-48).

11. As to claims 24-25, Dickson et al teach that there is an absence of a response to a mode request if a threshold number of requests have been sent by the controller without receiving a response within a timeout period; and a system management controller that does not receive a response to a controller mode request within a time out period retries the request at least once before determining that the system management controller is to be the baseboard management controller (column 2 lines 33-43; column 3 lines 7-21; and column 6 line 27 to column 7 line 16).

12. As to claim 26, Dickson et al teach that the mode requests contain information relating to the operational modes in which the controller sending the request is capable of operating (column 3 line 49 to column 4 line 13).

Response to Arguments

13. Applicant's arguments with respect to claims 1, 4-6, 11-16, 18-20, and 22-26 filed on June 10, 2005 have been fully considered but they are not deemed to be persuasive for the claims 1, 4-6, 11-16, 18-20, and 22-26

14. In the remarks, the applicant argues that:

(A) Argument: Dickson does not teach or suggest the use of an Intelligent Platform Management Bus to communicate status between the controllers.

Response: Dickson teaches or suggests the use of an Intelligent Platform Management Bus to communicate status between the controllers (figure 1 Ref. No. 20 and 23; column 2 lines 33-53 and figures 2-4 Ref. No. 20; columns 4-5).

(B) Argument: Dickson does not teach or suggest the controllers transitioning from a reset state to a request state as recited in the claim 11.

Response: Dickson teaches or suggests the controllers transitioning from a reset state to a request state (figures 2 and 4; column 4 line 49 to column 5 line 20; and column 5 line 46 to column 6 line 26)

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

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August 23, 2005

Bharat Barot.
BHARAT BAROT
PRIMARY EXAMINER